

# PART 36

## CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

---

---

☞ Notify unsuccessful offerors within three days after award. Consider notification by registered mail, with return receipt requested, or E-Mail with automatic return receipt, or fax if your fax software or hardware verifies receipt by the receiving fax station. (FAC 90-31, Case 94-701)

### 36.306 Notice of award.

---

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
When a notice of award is issued, it shall contain information required by 14.407 and shall— * * * *	When a notice of award is issued, <b>it shall be done in writing or electronically</b> , shall contain information required by 14.408 and shall— * * * *

---

---

---

☞ Previously, the FAR required only that the Government share its evaluation of the significant weaknesses or deficiencies in the offeror's proposal. In addition, the Government team must at minimum now provide information on:

- The overall evaluated cost and technical rating of the successful offeror and the debriefed offeror, if applicable (obviously this would not apply to debriefings of awardees).\*
- The overall ranking of all offerors when any ranking was developed by the agency during the source selection.\*
- A summary of the rationale for award.\*
- For commercial end items delivered under the contract, the make and model or commercial item description of the awardee's deliverable.\*
- Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.

(\* do not apply to A&E contracts)

Purpose -- to facilitate frank and open discussions leading hopefully better proposals on future procurements. In fact, the FAR never prohibited COs from providing the above information. The difference is that providing such information is now mandatory. COs will need to budget more time for debriefings. (§15.1004 and §36.607(b), FAC 90-31, Case 94-701)

### 36.607 Release of information on firm selection.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>After final selection has taken place, the contracting officer may release information identifying only the architect-engineer firm with which a contract will be negotiated for certain work. The work should be described in any release only in general terms, unless information relating to the work is classified. If negotiations are terminated without awarding a contract to the highest rated firm, the contracting officer may release that information and state that negotiations will be undertaken with another (named) architect-engineer firm. When an award has been made, the contracting officer may release award information (see 5.401).</p>	<p>(a) After final selection has taken place, the contracting officer may release information identifying only the architect-engineer firm with which a contract will be negotiated for certain work. The work should be described in any release only in general terms, unless information relating to the work is classified. If negotiations are terminated without awarding a contract to the highest rated firm, the contracting officer may release that information and state that negotiations will be undertaken with another (named) architect-engineer firm. When an award has been made, the contracting officer may release award information (see 5.401)</p> <p>(b) Debriefings of successful and unsuccessful firms will be held after final selection has taken place and will be conducted, to the extent practicable, in accordance with <u>15.1004(b) through (g)</u>. <u>Note that 15.1004(d)(2) through (d)(5)</u> does not apply to architect-engineer contracts.</p>